

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 7, 1996
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 11:06 a.m.
Mayor Golding adjourned the meeting at 12:43 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Wear-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Abdelnour (pr)

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Wear-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present

PUBLIC COMMENT:
None.

COUNCIL COMMENT:

None.

ITEM-34: PRESENTED

Presentation of the City Manager's Fiscal Year 1997
Proposed Budget to the Mayor and City Council.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B492-C088.)

ITEM-119:

SUBJECT: Balboa Park and Mission Bay Park Capital Improvements
Program, Phase IC Underfunded or Unfunded Priority
Projects.

(See Jack McGrory's Memorandum dated 4/12/96 and City
Manager Report CMR-96-61.)

NATURAL RESOURCES, CULTURE AND THE ARTS COMMITTEE'S
RECOMMENDATION:

On 4/17/96, NRC&A voted 5-0 to recommend adoption of the
following resolution:

(R-96-1269 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-287280

Rescinding the previous authorization of an expenditure
not to exceed \$1,824,700 from CIP-21-834.0 for the
Project, as set forth in Resolution R-284760, except as
to amounts previously reimbursed pursuant to the
Reimbursement Agreement Document RR-284760, and as to
expenditures incurred in good faith through the
effective date of this Resolution;

Deleting the Japanese Friendship Garden Reimbursement
Project ("Project") from the list of approved Program
Phase IC Projects and placed on the Program Phase IC
Underfunded or Unfunded Priority Projects;

Removing the Museum of Photographic Arts Request for

Agreement from the Program Phase IC Underfunded or Unfunded Priority Projects and placed on the list of approved Program Phase IC Projects in an amount not to exceed \$1,000,000;

Adding an additional amount not to exceed \$245,900 to the approved Starlight Bowl Reimbursement Program Phase IC Project;

Directing the NR&CA Committee to hold a discussion on the design plans, design decision-making process, and design controversy regarding the Project;

Declaring that pending the results of the NR&CA Committee discussion, the Project is given first priority rights to Program Phase IC proceeds in excess of the currently programmed level, in an amount not to exceed \$1,245,900;

Giving second priority to the San Diego Civic Light Opera Association Program Phase IC Underfunded or Unfunded Priority Project to Program Phase IC proceeds in excess of the currently programmed level, in an amount not to exceed \$380,000;

Declaring the City Council's intent to reimburse project expenditures from proceeds of Certificates of Participation to be issued by the City for the purposes of funding Program Phase IC Projects as previously approved in Resolution R-287105, adopted April 1, 1996, and as modified by this Resolution or as modified by further City Council action.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A140-503.)

THE FOLLOWING MOTIONS WERE MADE ON MONDAY, MAY 6, 1996:

Motion by Warden to approve the resolution. Second by Kehoe. No vote taken.

Amendment by Kehoe that the allocation of funds being rescinded is the \$1,200,000 only, leaving roughly \$550,000 in funds still available to the Japanese Friendship Garden. Second by Mathis.

MOTION BY VARGAS TO CONTINUE THE PORTION OF THIS ITEM THAT RELATES TO THE JAPANESE FRIENDSHIP GARDEN AND MOPA UNTIL TUESDAY, MAY 7, OR UNTIL THE ATTORNEYS CAN ANSWER THE COUNCIL MEMBERS QUESTIONS. MOTION AMENDED BY VARGAS TO INCLUDE SUGGESTION BY MATHIS THAT THE ENTIRE ITEM BE CONTINUED. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

THE FOLLOWING MOTIONS WERE MADE ON TUESDAY, MAY 7, 1996:

MOTION BY WARDEN TO ADOPT THE RESOLUTION AS AMENDED BASED ON THE MOTIONS OF MONDAY, MAY 6, 1996. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-nay, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-nay.

Amended motion by Kehoe to allow the Japanese Friendship Garden to use unspent funds from the 1B issuance enabling them to go forward with their projects now. No second.

ITEM-330: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings regarding the Carmel Valley Facilities Benefit Assessment. Council will take action at the subsequent hearing which has been scheduled on May 28, 1996 at 10:00 a.m. Public testimony will also be taken at that meeting.

(See City Manager Report CMR-96-38.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter to the second public hearing which has been scheduled for May 28, 1996 at 10:00 a.m.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On October 11, 1995, the LU&H Committee voted 4-0 to refer the financing plan to the City Council without recommendation. (Councilmembers Mathis, Harvey, Stevens, and McCarty voted yea.

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Councilmember Warden not present.)

FILE LOCATION: STRT- FB-8

COUNCIL ACTION: (Tape location: A063-135.)

Hearing began at 11:14 a.m. and halted at 11:20 a.m.
Testimony in opposition by Tom Steinke.

ITEM-331:

SUBJECT: Determination of the Citywide Apartment Vacancy Rate
for Residential Rental Units.
(Citywide.)

CITY MANAGER'S RECOMMENDATION:
Adopt the following resolution:
(R-96-1204) ADOPTED AS RESOLUTION R-287281

Adoption of a Resolution suspending regulations
contained in the San Diego Municipal Code, Section
101.0512 until April 1, 1997.

OTHER RECOMMENDATIONS:
Planning Commission voted 7-0 to approve.
Ayes: Quinn, Anderson, Neils, Butler, Skorepa, Watson, White
Nays: None
This application was not presented to the Community Planning
Committee.

SUPPORTING INFORMATION:
This determination is required by the San Diego Municipal Code,
Sections 101.0512 "Conditional Use Permit for Companion Units"
and 101.0990 et seq "Condominium Conversion Map Procedure." If
the vacancy rate is determined to be above five percent, the City
will not accept applications for companion units for one year.
Additionally, certain financial and procedural requirements for
the conversion of apartments to condominiums will be suspended
for one year. The vacancy rate has exceeded five percent since
1987.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A506-B019.)

Hearing began at 11:46 a.m. and halted at 11:54 a.m.

Testimony in opposition by Ann Fathy.

MOTION BY KEHOE TO ADOPT THE RESOLUTION. Second by Warden.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,
McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Consideration to approve, conditionally approve, modify
or deny an amendment to the rezone ordinance for Torrey
Reserve Terraces.
(RZ-91-0540. District-1.)

CITY MANAGER'S RECOMMENDATION:
Introduce the following ordinance:

(O-96-141) INTRODUCED, TO BE ADOPTED MAY 28, 1996

Introduction of an Ordinance amending the Torrey
Reserve portion of the rezone which occurs within the
Coastal Zone.

SUPPORTING INFORMATION:

The City Council's decision requires amending the City's Local
Coastal Program. As a result, the final decision on this will be
with the California Coastal Commission. The City of San Diego
must submit this as an amendment for certification to the Coastal
Commission. The amendment is not effective in the Coastal Zone
until the Coastal Commission unconditionally certifies the
amendment.

LEGAL DESCRIPTION:

The subject property is more particularly described as a Portion
of Section 32, all in Township 14 South, Range 3 West, S.B.M. in
the City of San Diego, County of San Diego, California all within
the City Sorrento Hills Community Plan Area.

CITY MANAGER SUPPORTING INFORMATION:

The ordinance is being brought back to the City Council to seek
approval to amend the ordinance to include the necessary language

amending the Local Coastal Program as required by the California Coastal Commission. The City Council approved this rezone together with a tentative map and development permits on February 13, 1996. The rezone ordinance was approved at the subsequent hearing. Staff had failed to include in the original hearing notice and ordinance the requirement for the Local Coastal Program amendment. This action is not new business, but redresses the action previously taken by the City Council. This project was approved on consent by the City Council.

FILE LOCATION: ZONE - O-18267

COUNCIL ACTION: (Tape location: A017-058.)

Hearing began at 11:10 a.m. and halted at 11:13 a.m.

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Revision of Serra Mesa Development Impact Fee.
(Serra Mesa Community Planning Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1215 Cor.Copy 05/15/96) ADOPTED AS RESOLUTION R-287282

Approving revisions to the Development Impact Fee
("DIF") in the Serra Mesa Community Planning Area.

SUPPORTING INFORMATION:

On January 30, 1996, the City Council took action to permit California Pacific Homes to develop 1,235 dwelling units in portions of the Stonecrest Specific Plan area. The Council actions included an amendment to the Kearny Mesa Public Facilities Financing Plan and associated Kearny Mesa Development Impact Fee (DIF).

The Kearny Mesa Development Impact Fee adopted by the Council on January 30th applies to new development and is set forth as follows:

\$175.00 per dwelling and \$25.00 per average daily trip for transportation facilities, \$1,084.00 per dwelling for park facilities, \$30.00 per dwelling and \$30.00 per 1,000 square feet of commercial or industrial development for fire suppression facilities, and \$256.00 per dwelling for library facilities (total DIF per dwelling unit = \$1,545.00).

The City Council also indicated their desire to take action to revise(increase) the Serra Mesa Development Impact Fee. Since the Serra Mesa DIF was not included in the California Pacific Homes public hearing notice, a public hearing notice was required. A newspaper notice has been published, and the revised Serra Mesa Development Impact Fee is now before the City Council consistent with what the Council has already adopted for the Kearny Mesa community planning area.

The Serra Mesa Development Impact Fee to be adopted by the Council applies to new development and is set forth as follows:

\$175.00 per dwelling and \$25.00 per average daily trip for transportation facilities, \$1,084.00 per dwelling for park facilities, \$11.00 per dwelling and \$11.00 per 1,000 square feet of commercial or industrial development for fire suppression facilities, and \$256.00 per dwelling for library facilities (total DIF per dwelling unit = \$1,526.00).

The existing Serra Mesa Development Impact Fee was last revised on October 6, 1992. The existing fee in Serra Mesa is:

\$175.00 per dwelling and \$25.00 per average daily trip for transportation facilities, \$786.00 per dwelling for park facilities, \$11.00 per dwelling and \$11.00 per 1,000 square feet of commercial or industrial development for fire suppression facilities, and \$271.00 per dwelling for library facilities (total DIF per dwelling unit = \$1,243.00).

This action is supported by the Serra Mesa Planning Group.

FILE LOCATION: LAND-Serra Mesa Community Planning Area

COUNCIL ACTION: (Tape location: A017-058.)

Hearing began at 11:10 a.m. and halted at 11:13 a.m.

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-334: CONTINUED TO JULY 9, 1996

SUBJECT: Appeal of Timothy Graves, representing Calprop Corporation, from the decision of the Planning Commission in denying the initiation of an amendment to the East Elliott Community Plan and Progress Guide and General Plan.

(East Elliott Plan Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution denying the appeal and denying the initiation of the proposed amendment:

(R-96-)

Adoption of a Resolution granting or denying the appeal and granting or denying the initiation of the proposed amendment.

OTHER RECOMMENDATIONS:

Planning Commission voted 7-0 to deny.

Ayes: Neils, Anderson, Butler, Quinn, Skorepa, Watson, White

The East Elliott Planning Advisory Committee has recommended approval of this project.

SUPPORTING INFORMATION:

Applicants representing 36 parcels or approximately one-third of the East Elliott Community Plan area have applied for a community plan amendment to add a landfill site designation to East Elliott for the purpose of accommodating a private landfill. The area is currently designated Very Low Density, Open Space, and Sanitary Fill Site (the existing County landfill) in the Elliott Community Plan, adopted on April 29, 1971.

FILE LOCATION: LAND-East Elliott Community Plan

COUNCIL ACTION: (Tape location: A024-038.)

Testimony in favor of the continuance by Mike Spata.

MOTION BY WEAR TO CONTINUE TO JULY 9, 1996, TO ALLOW STAFF AND APPLICANT TO EXPLORE OPTIONS OF THE EAST ELLIOTT COMMUNITY PLAN. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Vacation of Bolton Hall Road West of Border Village Drive and in Adjacent Alley.

(San Ysidro Community Area. District-8.)

(Continued from the meeting of April 2, 1996, Item 331, at Councilmember Vargas's request, to allow the applicant and/or his consultant to attend the hearing.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1024) ADOPTED AS RESOLUTION R-287283

Vacating Bolton Hall Road west of Border Village Drive and the alley adjacent to Lots 11, 12, 13 and 15 of Schulz Addition San Ysidro, Map-1758, under the procedure for the summary vacation of streets;

Reserving and excepting from the foregoing vacation the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature;

Declaring that the easement reserved herein is in, under, over, upon, along and across that portion of Bolton Hall Road and adjoining alley;

Declaring that this resolution shall not become

effective unless and until the approval has been met within three years, or this resolution shall become void and be of no further force or effect;

Directing the City Engineer to advise the City Clerk upon completion of the above conditions.

CITY MANAGER SUPPORTING INFORMATION:

The proposed vacation has been applied for by the Engineering and Capital Projects Department as part of a settlement action between the City and abutting property owner during the right-of-way acquisition for the widening and improvement of San Ysidro Boulevard. As part of the settlement action the City agreed to apply for the vacation of Bolton Hall Road and adjacent alley west of Border Village Drive on behalf of the affected property owner for compensation for land acquired for the road widening project. The rights-of-way proposed for vacation are located within the San Ysidro Community Plan area and within a CSR-3 Zone and consist of approximately 7,000 square feet. Future development is not proposed with this action. However, any development involving the land proposed for vacation would require processing and approval of a San Ysidro Development Permit. The San Ysidro Planning and Development Group reviewed this proposal and recommended approval by a vote of 10-0-2 on November 21, 1995. The property to be vacated is unimproved right-of-way which is not required for circulation but does provide sole access to several remnant parcels that are under one ownership. As a result a certificate of compliance is required in order to prevent land locking of parcels. The rights of way also contain public and franchise facilities for which an appropriate easement would be reserved. Staff review of this vacation indicates that the four required findings required by Council Policy and State law can be made. The rights-of-way proposed for vacation may summarily be vacated subject to the filing of a consolidation parcel map.

FILE LOCATION: DEED F-6735; STRT-J-2840 DEEDFY96-1

COUNCIL ACTION: (Tape location: B023-488.)

Hearing began at 11:54 a.m. and halted at 12:29 p.m.

Council Member McCarty arrived at 11:55 a.m.

Testimony in opposition by Augie Barfno, Jesse Navarro, Gloria Schiff, and Alberto Garcia.

Testimony in favor by Barry Simons and Michael Pallamary.

MOTION BY VARGAS TO ADOPT THE RESOLUTION. Second by Mathis.
Passed by the following vote: Mathis-yea, Wear-nay,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

SUBJECT: Vacating a Street Reservation in Subdivision Map-4299.
(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1208) ADOPTED AS RESOLUTION R-287284

Vacating a street reservation in Lot 1 of Higgins
Subdivision Map-4299, associated with Lopez
Subdivision TM-94-0646, under the Subdivision Map Act
Section 66499.20;

Declaring that this resolution shall not become
effective unless and until the final map for Lopez
Subdivision (TM-94-0646) has been approved or this
resolution shall become void and be of no further force
or effect;

Directing the City Engineer to advise the City Clerk of
the approval of the subdivision map.

CITY MANAGER SUPPORTING INFORMATION:

The proposed vacation has been initiated by the submission of a
tentative map for Lopez Subdivision (TM-94-0646). The subject
vacation and tentative map area are located within the San Ysidro
Community and within the R-1-5000 Zone. The tentative map
proposes subdivision of 5.72 acres into 21 lots for single-family
residential use. The subject vacation area totals approximately
0.12 acres (5,200 square feet) and is no longer needed, due to
the new alignment of Street "A" as proposed in TM-94-0646. The
Planning Commission voted 5-0 on October 12, 1995 to approve
TM-94-0646 with the condition that the vacation become effective
subject to Council approval.

Staff review has indicated that the area reserved for a future street is excess and is no longer needed for present or prospective public use and may be summarily vacated conditioned upon the recordation of Final Map for Lopez Subdivision

(TM-94-0646).

FILE LOCATION: DEED F-6748; STRT-J-2841 DEEDFY96-1

COUNCIL ACTION: (Tape location: A017-058.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-96-1454) ADOPTED AS RESOLUTION R-287285

A Resolution adopted by the City Council in Closed Session on May 7, 1996:

Authorizing the City Manager to pay the sum of \$35,500.00 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from the personal injury claim of Lisa Hendrickson, et al; authorizing the City Auditor and Comptroller to issue one check in the amount of \$35,500.00 made payable to Richard Hendrickson and Lisa Hendrickson, Erika Hendrickson and Scott Lyman, minors, by their grandfather and guardian ad litem, Robert Kramer and their attorney of record, Michael R. Marrinan in full settlement of the lawsuit and of all claims.

Aud. Cert. 9601146

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 12:43 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C-090.)